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LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			HENNING, MATTHEW T	
			ART UNIT	PAPER NUMBER
			2131	

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/843,102

Applicant(s)

DETREVILLE, JOHN D.

Examiner

Matthew T. Henning

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 20-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 20-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/20/2006.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

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1 This action is in response to the communication filed on 4/20/2006.

2 **DETAILED ACTION**


3 In view of the appeal brief filed on 4/20/2006, PROSECUTION IS HEREBY
4 REOPENED. New grounds of rejection are set forth below.

5 To avoid abandonment of the application, appellant must exercise one of the following
6 two options:

7 (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37
8 CFR 1.113 (if this Office action is final); or,

9 (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an
10 appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee
11 can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have
12 been increased since they were previously paid, then appellant must pay the difference between
13 the increased fees and the amount previously paid.

14 A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing
15 below:

16
17
18 
AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

All rejections and objections not specifically set forth below have been withdrawn.

Claims 18-19 and 53-57 have been cancelled.

Claims 1-17, and 20-52 have been examined.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-17, and 20-52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "highly" in the claims is a relative term which renders the claim indefinite. The term "highly compressed" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. One of ordinary skill in the art would be unable to determine what the applicants consider "highly compressed" and therefore would not be able to render the scope of the claim. For purposes of searching prior art, the examiner will assume that any compression meets this limitation.]

Regarding claim 6, the use of the term "audio/video" renders the claim indefinite. One of ordinary skill in the art would be unable to determine if this term requires both audio and video, or rather only one of the two. The examiner will assume for purposes of searching prior art that the claim was meant to read "audio or video".

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Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 46-52 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are directed towards computer-readable media storing a computer listing. The specification paragraph 0051 indicates that a carrier wave falls within the scope of computer-readable media.

Claims that recite nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of a magnetic field, define energy or magnetism, per se, and as such are nonstatutory natural phenomena. O'Reilly, 56 U.S. (15 How.) at 112-14. Moreover, it does not appear that a claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in § 101.

First, a claimed signal is clearly not a "process" under § 101 because it is not a series of steps. The other three § 101 classes of machine, compositions of matter and manufactures "relate to structural entities and can be grouped as 'product' claims in order to contrast them with process claims." 1 D. Chisum, Patents § 1.02 (1994). The three product classes have traditionally required physical structure or material.

"The term machine includes every mechanical device or combination of mechanical device or combination of mechanical powers and devices to perform some function and produce a certain effect or result." Corning v. Burden, 56 U.S. (15 How.) 252, 267 (1854). A modern definition of machine would no doubt include electronic devices which perform functions. Indeed, devices such as flip-flops and computers are referred to in computer science as sequential machines. A claimed signal has no physical structure, does not itself perform any useful, concrete and tangible result and, thus, does not fit within the definition of a machine.

A "composition of matter" "covers all compositions of two or more substances and includes all composite articles, whether they be results of chemical union, or of mechanical mixture, or whether they be gases, fluids, powders or solids." Shell Development Co. v. Watson, 149 F. Supp. 279, 280, 113 USPQ 265, 266 (D.D.C. 1957), aff'd, 252 F.2d 861, 116 USPQ 428 (D.C. Cir. 1958). A claimed signal is not matter, but a form of energy, and therefore is not a composition of matter.

The Supreme Court has read the term "manufacture" in accordance with its dictionary definition to mean "the production of articles for use from raw or prepared materials by giving to these materials new forms, qualities, properties, or combinations, whether by

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1 *hand-labor or by machinery." Diamond v. Chakrabarty, 447 U.S. 303, 308, 206 USPQ 193,*
2 *196-97 (1980) (quoting American Fruit Growers, Inc. v. Brogdex Co., 283 U.S. 1, 11, 8*
3 *USPQ 131, 133 (1931), which, in turn, quotes the Century Dictionary). Other courts have*
4 *applied similar definitions. See American Disappearing Bed Co. v. Arnaelsteen, 182 F. 324,*
5 *325 (9th Cir. 1910), cert. denied, 220 U.S. 622 (1911). These definitions require physical*
6 *substance, which a claimed signal does not have. Congress can be presumed to be aware of*
7 *an administrative or judicial interpretation of a statute and to adopt that interpretation*
8 *when it re-enacts a statute without change. Lorillard v. Pons, 434 U.S. 575, 580 (1978).*
9 *Thus, Congress must be presumed to have been aware of the interpretation of manufacture*
10 *in American Fruit Growers when it passed the 1952 Patent Act.*

11 *A manufacture is also defined as the residual class of product. 1 Chisum, § 1.02[3]*
12 *(citing W. Robinson, The Law of Patents for Useful Inventions 270 (1890)).*
13 *A product is a tangible physical article or object, some form of matter, which a signal is not.*
14 *That the other two product classes, machine and composition of matter, require physical*
15 *matter is evidence that a manufacture was also intended to require physical matter. A*
16 *signal, a form of energy, does not fall within either of the two definitions of manufacture.*
17 *Thus, a signal does not fall within one of the four statutory classes of § 101.*

18 *On the other hand, from a technological standpoint, a signal encoded with functional*
19 *descriptive material is similar to a computer-readable memory encoded with functional*
20 *descriptive material, in that they both create a functional interrelationship with a*
21 *computer. In other words, a computer is able to execute the encoded functions, regardless*
22 *of whether the format is a disk or a signal.*

23 *These interim guidelines propose that such signal claims are ineligible for patent*
24 *protection because they do not fall within any of the four statutory classes of § 101. Public*
25 *comment is sought for further evaluation of this question.*

26 See the "Interim Guidelines for Examination of Patent Applications for Patent Subject
27 Matter Eligibility".

28 ***Claim Rejections - 35 USC § 102***

29 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the
30 basis for the rejections under this section made in this Office action:

31 A person shall be entitled to a patent unless –

32 (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
33 in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
34 patent by another filed in the United States before the invention by the applicant for patent, except that an
35 international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 11-15, 29-36, and 38-52 are rejected under 35 U.S.C. 102(e) as being anticipated by Cooper et al. (US Patent Application Publication 2001/0051996) hereinafter referred to as Cooper.

Regarding claim 1, Cooper disclosed a system comprising: a source database storing a plurality of highly compressed content pieces (See Cooper Fig. 2 Element 234 and Paragraph 0124); and a content player (See Cooper Fig. 2 Element 115 and Paragraph 0124), coupled to the source database (See Cooper Fig. 2), including, an interface to receive a subset of the plurality of highly compressed content pieces from the source database (See Cooper Fig. 2 and Paragraph 0124 wherein the examiner has interpreted the player checking the copyright registry as receiving the various digital certificates because the player is checking if the particular digital certificate of the content file is in the content registry), a storage device to store the subset, a comparator to compare the subset to content and determine whether the content matches any of the plurality of highly compressed content pieces in the subset (See Cooper Paragraph 0124), a resolver to take particular action in response to the comparator indicating the content matches one of the plurality of highly compressed content pieces in the subset (See Cooper Paragraph 0124), and an output controller to render the content if the comparator indicates that the content does not match any of the highly compressed content pieces in the subset.

Regarding claim 29, Cooper disclosed a method comprising: comparing a portion of media content to a set of one or more highly compressed pieces of content (See Cooper Paragraph 0124); determining whether the portion of media content matches any of the set of highly compressed pieces (See Cooper Paragraph 0124); taking a programmed action if the

1 portion of media content matches any of the set of highly compressed pieces (See Cooper
2 Paragraph 0124), and playing back the content if the determining indicates the portion of media
3 content does not match any of the set of highly compressed pieces (See Cooper Paragraph 0124).

4 Regarding claim 40, Cooper disclosed one or more computer-readable memories
5 containing a computer program that is executable by a processor to perform a method
6 comprising: comparing a portion of media content to a set of one or more highly compressed
7 pieces of content (See Cooper Paragraph 0124); determining whether the portion of media
8 content matches any of the set of highly compressed pieces (See Cooper Paragraph 0124); taking
9 a programmed action if the portion of media content matches any of the set of highly compressed
10 pieces (See Cooper Paragraph 0124), and rendering the content if the determining indicates the
11 portion of media content does not match any of the set of highly compressed pieces (See Cooper
12 Paragraph 0124).

13 Regarding claim 41, Cooper disclosed a system comprising: means for storing a set of
14 highly compressed content pieces (See Cooper Paragraph 0124 Copyright registry); means for
15 determining whether the portion of media content matches any of the set of highly compressed
16 content pieces (See Cooper Paragraph 0124); means for taking a particular action if the portion
17 of media content matches any of the set of highly compressed content pieces (See Cooper
18 Paragraph 0124), and means for playing back the content if the determining indicates the portion
19 of media content does not match any of the set of highly compressed pieces (See Cooper
20 Paragraph 0124).

21 Regarding claim 46, Cooper disclosed one or more computer-readable media having
22 stored thereon a plurality of instructions that, when executed by one or more processors of a

1 computer, causes the one or more processors to perform acts including: checking whether a
2 portion of media content matches a piece of highly compressed content, wherein the piece of
3 highly compressed content cannot be played back to a user in an intelligible form (See Cooper
4 Paragraph 0124); allowing the portion of media content to be played back if the portion of media
5 content does not match the piece of highly compressed content (See Cooper Paragraph 0124);
6 and taking a particular action if the portion of media content does match the piece of highly
7 compressed content (See Cooper Paragraph 0124).

8 Regarding claim 2, Cooper disclosed that the comparator is to compare the subset to
9 content being played by the content player (See Cooper Paragraph 0124).

10 Regarding claim 3, Cooper disclosed that the content player is coupled to the source
11 database via the Internet (See Cooper Paragraph 0124).

12 Regarding claim 4, Cooper disclosed that the plurality of highly compressed content
13 pieces comprises a plurality of highly compressed audio pieces (See Cooper Paragraphs 0036
14 and 0099, in which the “file” is a digital file and is therefore a compressed version of the analog
15 content).

16 Regarding 5, Cooper disclosed that the plurality of highly compressed content pieces
17 comprises a plurality of highly compressed video pieces (See Cooper Paragraphs 0036 and 0099,
18 in which the “file” is a digital file and is therefore a compressed version of the analog content).

19 Regarding claim 6, Cooper disclosed that the plurality of highly compressed content
20 pieces comprises a plurality of highly compressed audio/video pieces (See Cooper Paragraphs
21 0036 and 0099, in which the “file” is a digital file and is therefore a compressed version of the
22 analog content).

1 Regarding claims 7, 34-35, 42-43, and 48-49, Cooper disclosed that the interface is
2 further to subsequently communicate with the source database, retrieve a new subset of the
3 plurality of highly compressed content pieces from the source database, and replace the subset in
4 the storage device with the new subset (See Cooper Paragraph 0124 wherein each time content is
5 played the registry is checked).

6 Regarding claims 8, 36, 44, and 50 Cooper disclosed a content source coupled to the
7 content player, and wherein the content player further comprises a compressor to receive content
8 from the content source, generate a highly compressed content piece based on the received
9 content, and add the generated highly compressed content piece to the subset in the storage
10 device (See Cooper Paragraphs 0120, 0043, 0205, 0212, and 0227 wherein the digital certificate
11 number is signed by the player device and embedded into the content, and at the point in time
12 that the number is signed by the device it has generated a “highly compressed content piece” and
13 it was therefore added to the “subset” on the device).

14 Regarding claims 11, and 45 Cooper disclosed that the storage device is further to store
15 the content (See Cooper Paragraph 0124).

16 Regarding claim 12, Cooper disclosed a content source, coupled to the content player,
17 from which the content is received (See Cooper Paragraph 0110).

18 Regarding claim 13, Cooper disclosed that the content player receives the content from
19 the content source in its entirety before playback of the content begins (See Cooper Paragraph
20 0110).

21 Regarding claim 14, 38, and 51, Cooper disclosed that the comparator is to determine
22 whether the content matches any of the plurality of highly compressed content pieces in the

1 subset by comparing a first set of feature values associated with each of the plurality of highly
2 compressed content pieces with a second set of feature values associated with the content, and
3 checking whether at least a threshold number of the first set of feature values is within threshold
4 distance of the second set of feature values (See Cooper Paragraph 0124 wherein the examiner
5 has interpreted the threshold to be “all”, in other words that there is an exact match).

6 Regarding claim 15, 39, and 52, Cooper disclosed that the first set of feature values and
7 the second set of feature values each comprises a set of audio energy features (See Cooper
8 Paragraph 0124 wherein because the data being compared is digital data, and because any digital
9 data can be output to a speaker and will produce noise, the digital data meets the limitation of
10 “audio energy”).

11 Regarding claims 30, 31, and 47, Cooper disclosed that the portion of media content
12 comprises a song, or video clip (See Cooper Paragraph 0036).

13 Regarding claim 32, Cooper disclosed performing the comparing while the portion of
14 media content is being played (See Cooper Paragraph 0124).

15 Regarding claim 33, Cooper disclosed performing the comparing while the portion of
16 media content is being downloaded from a content source (See Cooper Paragraph 0219 wherein
17 the content could be streamed to the device).

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-10, 16-17, 20-28, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper, and further in view of Barber et al. (US Patent Number 5,390,297) hereinafter referred to as Barber.

Regarding claim 9, Cooper disclosed a system comprising: a source database storing a plurality of highly compressed content pieces (See Cooper Fig. 2 Element 234 and Paragraph 0124); and a content player (See Cooper Fig. 2 Element 115 and Paragraph 0124), coupled to the source database (See Cooper Fig. 2), including, an interface to receive a subset of the plurality of highly compressed content pieces from the source database (See Cooper Fig. 2 and Paragraph 0124 wherein the examiner has interpreted the player checking the copyright registry as receiving the various digital certificates because the player is checking if the particular digital certificate of the content file is in the content registry), a storage device to store the subset, a comparator to compare the subset to content and determine whether the content matches any of the plurality of highly compressed content pieces in the subset (See Cooper Paragraph 0124), a resolver to take particular action in response to the comparator indicating the content matches one of the plurality of highly compressed content pieces in the subset (See Cooper Paragraph 0124), and an output controller to render the content if the comparator indicates that the content does not match any of the highly compressed content pieces in the subset, but failed to disclose

1 the storage device is further to store a plurality of licenses identifying content that a user of the
2 content player is authorized to playback, and wherein the particular action comprises the resolver
3 checking whether one of the plurality of licenses corresponds to the content.

4 Barber teaches that in order to allow multiple users access to content simultaneously, that
5 multiple licenses should be provided for the content, and when content is to be used, a license
6 should be “checked out” (See Barber Col. 2 Lines 10-19 and Fig. 3 and associated text).

7 It would have been obvious to the ordinary person skilled in the art at the time of
8 invention to employ the teachings of Barber in the content protection system of Cooper by
9 verifying that the computer had a license for the content when it was detected that another user
10 was accessing the content. This would have been obvious because the ordinary person skilled in
11 the art would have been motivated to allow any node access to the content at any time, without
12 violating licensing agreements.

13 Regarding claim 16, Cooper disclosed a system comprising: a memory to store one or
14 more highly compressed content pieces (See Cooper Paragraph 0124); and a comparator,
15 coupled to the memory, to compare the one or more highly compressed content pieces to content
16 at the system and to determine whether the content matches at least one of the one or more
17 highly compressed content pieces (See Cooper Paragraph 0124), and a resolver, coupled to the
18 comparator to take a particular action in response to the comparator indicating the content
19 matches one of the plurality of highly compressed content pieces in the subset (See Cooper
20 Paragraph 0124), but failed to disclose that the action was checking to see whether the system
21 had a valid license for the content.

1 Barber teaches that in order to allow multiple users access to content simultaneously, that
2 multiple licenses should be provided for the content, and when content is to be used, a license
3 should be “checked out” (See Barber Col. 2 Lines 10-19 and Fig. 3 and associated text).

4 It would have been obvious to the ordinary person skilled in the art at the time of
5 invention to employ the teachings of Barber in the content protection system of Cooper by
6 verifying that the computer had a license for the content when it was detected that another user
7 was accessing the content. This would have been obvious because the ordinary person skilled in
8 the art would have been motivated to allow any node access to the content at any time, without
9 violating licensing agreements.

10 Regarding claim 37, Cooper disclosed a method comprising: comparing a portion of
11 media content to a set of one or more highly compressed pieces of content (See Cooper
12 Paragraph 0124); determining whether the portion of media content matches any of the set of
13 highly compressed pieces (See Cooper Paragraph 0124); and taking a programmed action if the
14 portion of media content matches any of the set of highly compressed pieces (See Cooper
15 Paragraph 0124), but failed to disclose that the particular action comprised checking whether one
16 of a plurality of licenses maintained at a content player performing the comparing corresponds to
17 the portion of media content.

18 Barber teaches that in order to allow multiple users access to content simultaneously, that
19 multiple licenses should be provided for the content, and when content is to be used, a license
20 should be “checked out” (See Barber Col. 2 Lines 10-19 and Fig. 3 and associated text).

21 It would have been obvious to the ordinary person skilled in the art at the time of
22 invention to employ the teachings of Barber in the content protection system of Cooper by

1 verifying that the computer had a license for the content when it was detected that another user
2 was accessing the content. This would have been obvious because the ordinary person skilled in
3 the art would have been motivated to allow any node access to the content at any time, without
4 violating licensing agreements.

5 Regarding claims 10 and 28, Cooper and Barber disclosed wherein each of the plurality
6 of highly compressed content pieces in the subset further indicates whether one of the plurality
7 of licenses is required for playback of the content (See the rejection of claim 9 above wherein in
8 the combination, a match with the registry indicates that another is using the file and therefore a
9 license check is needed).

10 Regarding claim 17, see the rejection of claim 2 above.

11 Regarding claim 20, see the rejection of claim 11 above.

12 Regarding claims 21-23, Cooper and Barber disclosed a playback controller, coupled to
13 the memory, to receive the content from a CD (See Cooper Paragraph 0036).

14 Regarding claim 24, see the rejection of claim 8 above.

15 Regarding claims 25-26, see the rejection of claims 14-15 above.

16 Regarding claim 27, Cooper and Barber disclosed a portable music player (See Cooper
17 0049).

18 Claims 1-3, 7, 29, 32, 34-35, 40-41, and 45-46 are rejected under 35 U.S.C. 103(a) as
19 being unpatentable over Edwards et al. (US Patent Number 6,594,686) hereinafter referred to as
20 Edwards.

21 Regarding claims 1, 29, 40, 41, and 46, Edwards disclosed a system comprising: a source
22 database storing a plurality of content pieces (See Edwards Col. 1 Lines 55-63 wherein it was

1 well known that in a virus protection system, signatures are downloaded from a source database),
2 and a content player, coupled to the source database, including, an interface to receive a subset of
3 the plurality of content pieces from the source database (See Edwards Col. 1 Lines 55-63
4 wherein it was well known that in a virus protection system, signatures are downloaded from a
5 source database), a storage device to store the subset (See Edwards Col. 1 Lines 55-63 wherein it
6 was inherent that the signatures were stored in the server in order for the server to have used
7 them for scanning), a comparator to compare the subset to content and determine whether the
8 content matches any of the plurality of highly compressed content pieces in the subset (See
9 Edwards Col. 3 Lines 31-54 wherein the scanning for viruses has been interpreted as comparing
10 the signatures to the files), and a resolver to take particular action in response to the comparator
11 indicating the content matches one of the plurality of highly compressed content pieces in the
12 subset (See Edwards Col. 3 Lines 31-54), and an output controller to render the content if the
13 comparator indicates the content does not match any of the content pieces in the subset (See
14 Edwards Col. 3 Lines 31-54), but failed to specifically disclose that the signatures could be
15 compressed. However, it was well known that data was compressed in order to save space and
16 to decrease the amount of data needed to be transferred over a network connection, and therefore
17 it would have been obvious to the ordinary person skilled in the art to have compressed the virus
18 signatures for downloading to the scanner.

19 Regarding claims 2 and 32, Edwards disclosed that the comparator is to compare the
20 subset to content being played by the content player (See Edwards Col. 3 Lines 14-16).

21 Regarding claims 3, 34-35, 42-43, and 48-49 it was further well known that virus
22 signatures were downloaded over the Internet.

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Regarding claim 7, see the rejection of claim 1 above.

Regarding claim 45, Edwards disclosed storing the portion of media content (See Edwards Col. 3 Paragraph 1).

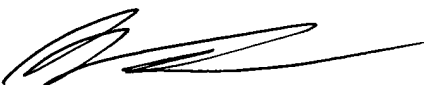
Conclusion

Claims 1-17, and 20-52 have been rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew T. Henning whose telephone number is (571) 272-3790. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Matthew Henning
Assistant Examiner
Art Unit 2131
6/5/2006


AYAZ SHEIKH

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100